

ZONING MAP ORDINANCE NO. Z-Lash

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. J-22.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated an R-3 (Multi Family Residential) District
under the terms of Chapter 33 of the Code of the City of
Fort Wayne, Indiana of 1974:

The South 117 feet of the North 240 feet of the East
150 feet of the Northwest Quarter of Section 27,
Township 31 North, Range 12 East, Allen County,
Indiana, together with the South 117 feet of the North
240 feet of the West 10 feet of the East 160 feet of
the Northwest Quarter of the Southwest Quarter of
Section 27, Township 31 North, Range 12 East, Allen
County, Indiana, containing 0.43 acres, subject to road
rights of way and easements.

and the symbols of the City of Fort Wayne Zoning Map No. J-
22, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Adams, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 11-22-58

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Adams, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	<u> </u>	<u>7</u>	<u> </u>	<u>2</u>	<u> </u>
<u>BRADBURY</u>	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>GIAQUINTA</u>	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>LONG</u>	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>	<u> </u>
<u>STIER</u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>	<u> </u>
<u>TALARICO</u>	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

DATE: 12-27-58

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____

on the _____ day of _____, 19____,

ATTEST: SEAL

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

RECEIPT

No 2825

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 10-17 '19 88

RECEIVED FROM Care H. McIntire \$ 100.00

THE SUM OF one hundred 00 100 DOLLARS

ON ACCOUNT OF 3619 Harris Park

[Signature]
AUTHORIZED SIGNATURE

reopening

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED 10-17-88

INTENDED USE BED-BRACKFAST

THIS IS TO BE FILED IN DUPLICATE

I/We CARL - JUVA MCINTEER
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1A District to a/an R-3 District the property described as follows:

SEE - ATTACHED

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 3619 HARRIS Rd. - FORT WAYNE, IN. 46808

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>CARL MCINTEER</u>	<u>3619 HARRIS Rd.</u>	<u>Carl McInteer</u>
<u>JUVA MCINTEER</u>	<u>"</u>	<u>Juva McInteer</u>
_____ (Name)	_____ (Address)	_____ (Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

<u>Carl McInteer</u>	<u>3619 Harris Rd. Fort Wayne, In.</u>	<u>484-5583</u>
(Name)	(Address & Zip Code) <u>46808</u>	(Telephone Number)

Legal Description of property to be rezoned.

See Attached Survey

8-9 Parking places now, we will only rent 2-3 rooms at one time.

Plans for a new drive and garage on South Side of home.

Owners of Property

<i>Carl-Java McInteer</i>		
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA

FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA

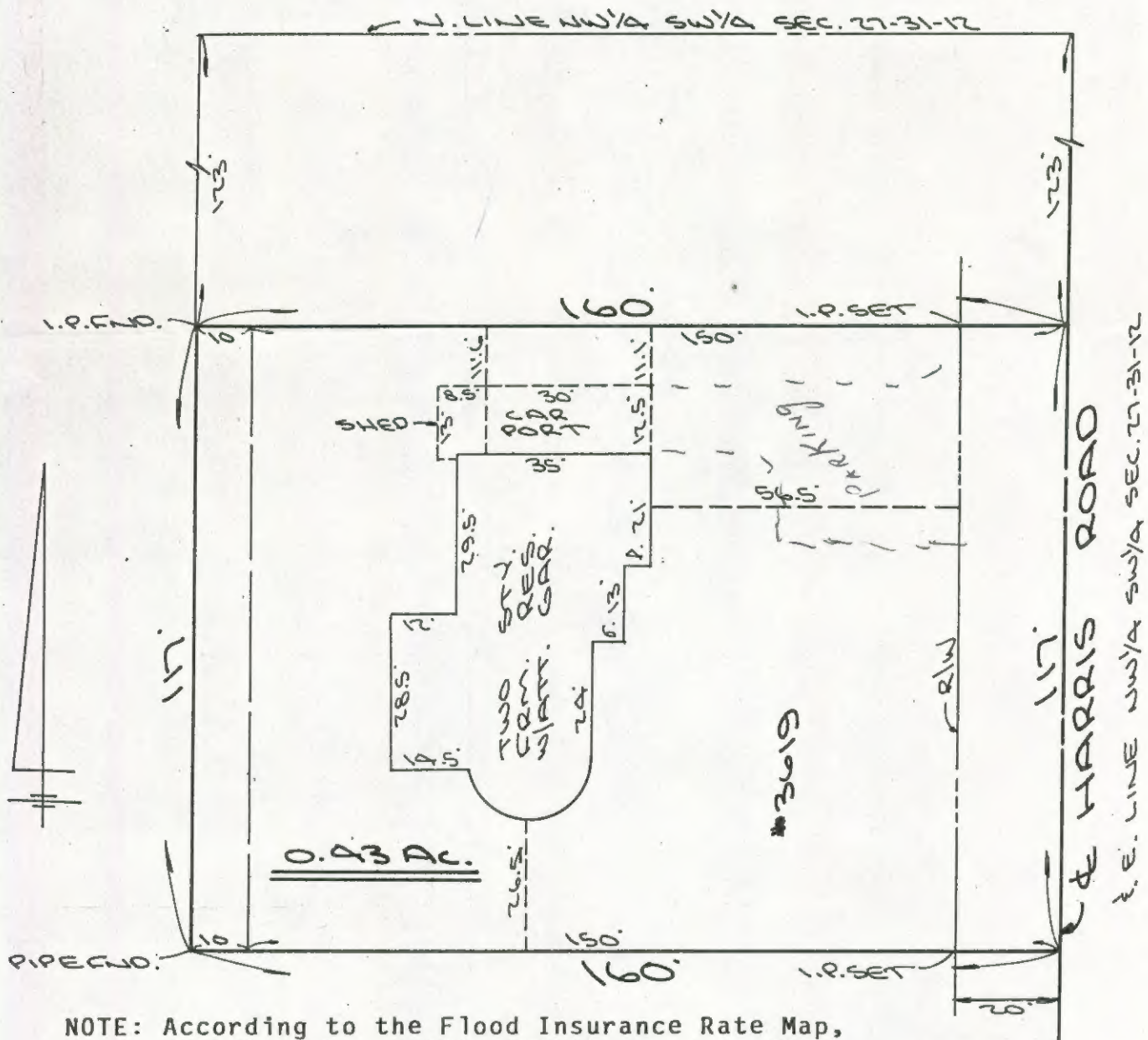
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA

FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: The South 117 feet of the North 240 feet of the East 150 feet of the Northwest Quarter of Section 27, Township 31 North, Range 12 East, Allen County, Indiana, together with the South 117 feet of the North 240 feet of the West 10 feet of the East 160 feet of the Northwest Quarter of the Southwest Quarter of Section 27, Township 31 North, Range 12 East, Allen County, Indiana, containing 0.43 acres, subject to road rights of way and easements.



NOTE: According to the Flood Insurance Rate Map, (FIRM) number 180003 0015B, dated April 3,

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 22, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-11-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 21, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

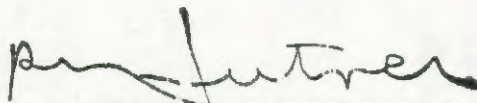
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 28, 1988.

Certified and signed this
29th day of November 1988.



Robert Hutner
Secretary

ORIGINAL

ORIGINAL

DIGEST SHEET

#373
TITLE OF ORDINANCE Zoning Ordinance Amendment 7-88-11-08

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 3619 Harris Road

EFFECT OF PASSAGE Property is presently zoned RA - Suburban Residential.

Property will become R-3 -Multi Family Residential.

EFFECT OF NON-PASSAGE Property will remain R-A - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From RA to R-3

DETAILS

POSITIONS

RECOMMENDATIONS

Specific Location and/or Address 3619 Harris Road
Reason for Project Bed & Breakfast Establishment
Discussion (Including relationship to other Council actions) <u>21 November 1988 - Public Hearing</u> Carl McInteer, owner and petitioner, stated that his is the third house behind Club Olympia. He stated that the first house is used for a local union and the second is a residence. He stated that they feel this would be a good location for a bed & breakfast establishment. He stated that they do not feel that this would be a detriment to the area. John Shoaff questioned if he had been advised that he could apply to the Board of Zoning Appeals for a Use Variance for this use. Mr. McInteer stated he had not. Dave Samon, 3609 Harris Road, stated he was adjacent to the residence in question. He stated that he was not opposed to the proposed use, but was opposed to the rezoning of the property. There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/Proponents	Applicant(s) Carl McInteer City Department Other
Opponents	Groups or Individuals Dave Samon / 3609 Harris Rd Basis of Opposition -opposed to rezoning classification not to use
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -approval would set precedent for similar petitions in the future in this area
Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

28 November 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.
Motion carried.

Of the seven (7) members present six (6) voted in favor of the motion one (1) did not vote.

NOTE: It should be noted that the staff recommendation suggested the petitioner consider requesting a variance from the Board of Zoning Appeals which would allow this use and not change the zoning classification.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 17 October 1988

Projected Completion or Occupancy

Date 30 November 1988

Fact Sheet Prepared by

Date 30 November 1988

Patricia Biancaniello

Reviewed by

Date

Dec. 6, 1988

Reference or Case Number

Held for 1/3

BILL NO. Z-88-11-08

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. J-22

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) Do Not Pass

YES

NO

Janet G. Bradbury
David C. Long

JANET G. BRADBURY
CHAIRPERSON

DAVID C. LONG
VICE CHAIRMAN

JAMES S. STIER

Donald J. Schmidt

DONALD J. SCHMIDT

Samuel J. Talarico

SAMUEL J. TALARICO

CONCURRED IN 1-3-89

Sandra E. Kennedy

Sandra E. Kennedy
City Clerk

REZONING PETITION #373

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A RA DISTRICT TO A R3 DISTRICT.

COUNCILMANIC DISTRICT NO. 3



B1B LIMITED BUSINESS "B"

☐ SINGLE FAMILY

DATE: 10-26-88